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Applicant : Fisher *et al.*
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For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-7
PROMOTER AND USES THEREOF

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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Dear Sir:

In supplement to the Information Disclosure Statement filed on February 29, 2000, and pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request that the publications relating to the above-mentioned application listed herein and on the accompanying PTO Form 1449 be considered by the Examiner and made of record in the U.S. Patent and Trademark Office. The publications contained herein are identified as numbers 10 to 146, to

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distinguish them from the nine publications previously disclosed in the above-identified application.

10. United States Patent No. 6,355,622 (Fisher), issued March 12, 2002, entitled "Use of a melanoma differentiation associated gene (MDA-7) for inducing apoptosis of a tumor cell."
11. United States Patent Application Ser. No. 09/933,115 (Fisher), filed August 20, 2001, entitled "Combinatorial methods for inducing cancer cell death."
12. Madireddi MT, Dent P, Fisher PB (2000a). Regulation of mda-7 gene expression during human melanoma differentiation. *Oncogene* 19:1362-1368.
13. Madireddi MT, Su ZZ, Young CSH, Goldstein NI, Fisher PB (2000b). Mda-7, a novel melanoma differentiation associated gene with promise for cancer gene therapy. In: *Cancer Gene Therapy: Past Achievements and Future Challenges. Advances in Experimental Medicine and Biology*, N. Habib, ed., Kluwer Academic/Plenum Publishing Company, New York, NY, Vol. 465, Ch. 22, pp. 239-261.
14. United States Patent No. 6,051,376 (Fisher *et al.*), issued April 18, 2000, entitled "Uses of MDA-6."
15. United States Patent No. 6,025,127 (Sidransky), issued February 15, 2000, entitled "Nucleic acid mutation detection in histologic tissue."
16. Fontes AM, Ito J, Jacobs-Lorena M (1999). Control of messenger RNA stability during development. *Curr. Top. Dev. Biol.* 44:171-202.

17. Patterson A, Harris AL (1999). Molecular chemotherapy for breast cancer. *Drugs Aging* 14:75-90.
18. Tamayo P, Slonim D, Mesirov J, Zhu Q, Kitareewan S, Dimitrovsky E, Lander ES, Golub TR (1999). Interpreting patterns of gene expression with self-organizing maps: methods and application to hematopoietic differentiation. *Proc. Natl. Acad. Sci. USA* 96:907-2912.
19. United States Patent No. 5,912,236 (Xu *et al.*), issued June 15, 1999, entitled "Broad-spectrum tumor suppressor genes gene products and methods for tumor suppressor gene therapy."
20. Welm AL, Timchenko NA, Darlington GJ (1999). C/EBPalpha regulates generation of C/EBPbeta isoforms through activation of specific proteolytic cleavage. *Mol. Cell Biol.* 19:1695-704.
21. Auer KL, Contessa J, Brenz-Verca S, Pirola L, Rusconi S, Cooper G, Abo A, Wymann MP, Davis RJ, Birrer M, Dent P (1998). The Ras/Rac1/Cdc42/SEK/JNK/c-Jun cascade is a key pathway by which agonists stimulate DNA synthesis in primary cultures of rat hepatocytes. *Mol. Biol. Cell* 9:561-73.
22. International Patent Application No. PCT/US97/14548 by The Trustees of Columbia University in the City of New York entitled "Use of a melanoma differentiation associated gene (MDA-7) for reversing a cancerous phenotype", published as WO 98/06441 on 19 February 1998.

23. Kang DC, La France R, Su ZZ, Fisher PB (1998a). Reciprocal subtraction differential RNA display (RSDD): an efficient and rapid procedure for isolating differentially expressed gene sequences. *Proc. Natl. Acad. Sci. USA* 95:13788-13793.
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27. United States Patent No. 5,710,137 (Fisher), issued January 20, 1998, entitled "Use of a melanoma differentiation associated gene (MDA-7) for reversing a cancerous phenotype."
28. Su ZZ, Madireddi MT, Lin JJ, Young CSH, Kitada S, Reed JC, Goldstein NI, Fisher PB (1998). The cancer growth suppressor gene mda-7 selectively induces apoptosis in human breast cancer cells and inhibits tumor growth in nude mice. *Proc. Natl. Acad. Sci. USA* 95:14400-14405.
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39. International Patent Application No. PCT/US94/12160 by The Trustees of Columbia University in the City of New York entitled "Method for generating a subtracted cDNA library and uses of the generated library", published as WO 95/11986 on 4 May 1995.
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References 34 and 39 discuss a strategy for isolating and using the promoters of melanoma differentiation associated genes.

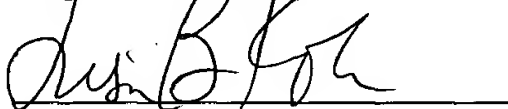
The submission of this Supplemental Information Disclosure Statement does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner

applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicants believe that a fee of \$180.00 is due in connection with the filing of this Supplemental Information Disclosure Statement and a check in that amount is enclosed. However, if any fee is due or overpayment made with regard to this communication, the Commissioner is authorized to charge any such fee, and to credit any overpayment, to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,


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Enclosures